



Reprinted  
February 21, 2023

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## SENATE BILL No. 4

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DIGEST OF SB 4 (Updated February 20, 2023 2:30 pm - DI 104)

**Citations Affected:** IC 6-7; IC 6-8; IC 16-18; IC 16-19; IC 16-20; IC 16-31; IC 16-46; IC 20-34; IC 25-13; IC 34-30.

**Synopsis:** Public health commission. Defines "core public health services" for purposes of public health laws. Adds members to the executive board of the Indiana department of health (state department). Provides that the state department may provide district or regional services to local health departments. Require each local board of health to establish a local public health services fund to receive state funding. Provides a method of allocation of state funding to local boards of health, subject to state appropriations. Allows the state department to issue guidance to local health departments. Requires the state  
(Continued next page)

**Effective:** Upon passage; July 1, 2023.

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**Charbonneau, Leising, Perfect,  
Bassler, Becker, Donato, Raatz,  
Crider, Melton, Brown L, Baldwin,  
Walker K, Garten, Glick, Breaux,  
Ford J.D., Niezgodski, Yoder,  
Randolph Lonnie M**

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January 9, 2023, read first time and referred to Committee on Health and Provider Services.  
February 2, 2023, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.  
February 16, 2023, amended, reported favorably — Do Pass.  
February 20, 2023, read second time, amended, ordered engrossed.

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SB 4—LS 7070/DI 104



department to make annual local health department reports available to the public. Changes the qualification requirements for a local health officer and requires certain training. Requires the state department to identify state level metrics and county level metrics and requires certain local health departments to report to the state department activities and metrics on the delivery of core public health services. Requires the state department to annually report on the metrics to the budget committee and publish information concerning the metrics on the Internet. Sets political affiliation limitations on local boards of health and adds two members to local boards of health. Requires a multiple county health department to maintain at least one physical office in each represented county. Provides that a new city health department cannot be created after December 31, 2022, but allows current city health departments to continue to operate. Creates the Indiana trauma care commission and sets forth the commission's duties. Specifies that certain vision screenings in schools for students may be performed by an physician or an optometrist. Requires vision screening in kindergarten and first grade (current law allows for the screening in either grade). Modifies the list of vision tests that may be used. Requires the school to send to the parent of a student any recommendation for further testing by the vision screener. Allows for standing orders to be used for emergency stock medication in schools. Allows the state health commissioner or designee to issue a statewide standing order, prescription, or protocol for emergency stock medication for schools. Removes the distance requirement for an access practice dentist to provide communication with a dental hygienist.



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February 21, 2023

First Regular Session of the 123rd General Assembly (2023)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2022 Regular Session of the General Assembly.

## SENATE BILL No. 4

A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 6-7-1-30.5 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 30.5. (a) There is  
3 annually appropriated to the local **public** health ~~maintenance~~ fund  
4 established by IC 16-46-10 two million four hundred thirty thousand  
5 dollars (\$2,430,000) from the state general fund to provide funds for  
6 annual distribution to local boards of health in accordance with  
7 ~~IC 16-46-10-2~~ **IC 16-46-10-2.2 or IC 16-46-10-2.3** to enable local  
8 boards of health to provide basic health services.  
9 (b) The ~~state~~ **Indiana** department of health may retain annually a  
10 maximum of fifty thousand dollars (\$50,000) of the total appropriation  
11 to the local health maintenance fund under subsection (a) to pay  
12 administrative expenses incurred by the ~~state~~ **Indiana** department of  
13 health in distributing the funds to local health departments.  
14 SECTION 2. IC 6-8-11-17, AS AMENDED BY P.L.122-2016,  
15 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2023]: Sec. 17. (a) An employee may, under this section, withdraw money from the employee's medical care savings account for a purpose other than the purposes set forth in section 13 of this chapter.

(b) Except as provided in sections 11(b) and 11.5 of this chapter, if an employee withdraws money from the employee's medical care savings account on the last business day of the account administrator's business year for a purpose not set forth in section 13 of this chapter:

(1) the money withdrawn is income to the individual that is subject to taxation under IC 6-3-2-18(e); but

(2) the withdrawal does not:

(A) subject the employee to a penalty; or

(B) make the interest earned on the account during the tax year taxable as income of the employee.

(c) Except as provided in sections 11(b) and 11.5 of this chapter, if an employee withdraws money for a purpose not set forth in section 13 of this chapter at any time other than the last business day of the account administrator's business year, all of the following apply:

(1) The amount of the withdrawal is income to the individual that is subject to taxation under IC 6-3-2-18(e).

(2) The administrator shall withhold and, on behalf of the employee, pay a penalty to the department of state revenue equal to ten percent (10%) of the amount of the withdrawal.

(3) All interest earned on the balance in the account during the tax year in which a withdrawal under this subsection is made is income to the individual that is subject to taxation under IC 6-3-2-18(f).

(d) Money paid to the department of state revenue as a penalty under this section shall be deposited in the local **public health maintenance** fund established by IC 16-46-10-1.

SECTION 3. IC 16-18-2-2 IS REPEALED [EFFECTIVE JULY 1, 2023]. Sec. 2: "~~Adjustment and incentive support~~", for purposes of ~~IC 16-46-1~~, has the meaning set forth in ~~IC 16-46-1-2~~.

SECTION 4. IC 16-18-2-65 IS REPEALED [EFFECTIVE JULY 1, 2023]. Sec. 65: "~~Community health services~~", for purposes of ~~IC 16-46-1~~, has the meaning set forth in ~~IC 16-46-1-3~~.

SECTION 5. IC 16-18-2-79.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 79.5. "**Core public health services**" means basic services provided by local health departments, including the following:

(1) Food protection under IC 16-20-8 and IC 16-42-5.

(2) Communicable disease prevention and control under



- 1       **IC 16-20-1 and IC 16-41.**
- 2       **(3) Screening and case management for childhood lead**
- 3       **exposure and poisoning under IC 16-41-39.4.**
- 4       **(4) Pest and vector control and abatement under IC 16-41-33**
- 5       **and IC 16-41-34.**
- 6       **(5) Inspection and testing of public and semipublic pools**
- 7       **under rules adopted by the state department in accordance**
- 8       **with IC 16-19-3-4.**
- 9       **(6) Residential onsite sewage system permitting and**
- 10       **inspections under IC 13-26-5 and IC 16-41-25.**
- 11       **(7) Orders for the decontamination of property used to**
- 12       **illegally manufacture a controlled substance under**
- 13       **IC 16-19-3.1 and IC 16-41-20.**
- 14       **(8) Sanitary inspections and surveys of public buildings under**
- 15       **IC 16-20-1-22.**
- 16       **(9) Sanitary operation of tattoo parlors and body piercing**
- 17       **facilities under rules adopted by the state department under**
- 18       **IC 16-19-3-4(c).**
- 19       **(10) Sanitary operations of facilities where eyelash extensions**
- 20       **are applied under rules adopted by the state department**
- 21       **under IC 16-19-3-4.5.**
- 22       **(11) Vital statistics under IC 16-20-1-17.**
- 23       **(12) Access to childhood and adult immunizations, including**
- 24       **immunizations required under IC 16-41-19.**
- 25       **(13) Tobacco prevention and cessation, including education on**
- 26       **vaping and smoking cessation for youth and pregnant women.**
- 27       **(14) Partnering with schools and school nurses to support**
- 28       **student health, including the following:**
- 29               **(A) Evidence based education on nutrition and physical**
- 30               **activity.**
- 31               **(B) Hearing, vision, and oral health screenings.**
- 32       **(15) Child fatality review under IC 16-49-2.**
- 33       **(16) Suicide and overdose fatality review under IC 16-49.5-2.**
- 34       **(17) Maternal and child health.**
- 35       **(18) Testing and counseling for HIV, hepatitis C, and other**
- 36       **sexually transmitted infections.**
- 37       **(19) Health promotion and education for preventing trauma**
- 38       **and injury, including safe sleep, child safety car seats, and**
- 39       **bicycle helmets for children.**
- 40       **(20) Tuberculosis control and case management.**
- 41       **(21) Emergency preparedness, including ambulances in**
- 42       **counties that:**



(A) are in underserved areas with a population of less than thirty-five thousand (35,000); and

(B) do not have the financial resources to purchase ambulances.

**(22) Referrals to clinical care, including:**

(A) health screenings;

(B) prenatal care; and

(C) substance use disorder treatment.

SECTION 6. IC 16-18-2-87 IS REPEALED [EFFECTIVE JULY 1, 2023]. Sec. 87: "~~County health fund~~", for purposes of IC 16-46-1, has the meaning set forth in IC 16-46-1-4.

SECTION 7. IC 16-18-2-140 IS REPEALED [EFFECTIVE JULY 1, 2023]. Sec. 140: "~~Foundation support~~", for purposes of IC 16-46-1, has the meaning set forth in IC 16-46-1-5.

SECTION 8. IC 16-18-2-187 IS REPEALED [EFFECTIVE JULY 1, 2023]. Sec. 187: "~~Inclusive~~", for purposes of IC 16-46-1, has the meaning set forth in IC 16-46-1-6.

SECTION 9. IC 16-18-2-210 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 210. (a) "Local board of health", for purposes of IC 16-22-8, means a local board of health referred to in IC 16-20.

(b) "Local board of health", for purposes of IC 16-46-1, **IC 16-46-10**, has the meaning set forth in IC 16-46-1-7. **IC 16-46-10-0.5.**

SECTION 10. IC 16-18-2-227 IS REPEALED [EFFECTIVE JULY 1, 2023]. Sec. 227: "~~Migratory temporary increase in population~~", for purposes of IC 16-46-1, has the meaning set forth in IC 16-46-1-8.

SECTION 11. IC 16-18-2-268 IS REPEALED [EFFECTIVE JULY 1, 2023]. Sec. 268: "~~Partnership responsibility~~", for purposes of IC 16-46-1, has the meaning set forth in IC 16-46-1-9.

SECTION 12. IC 16-19-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. (a) The executive board of the ~~state~~ **Indiana** department of health is established.

(b) The executive board consists of ~~eleven (11)~~ **thirteen (13)** members appointed by the governor as follows:

(1) Three (3) licensed physicians.

(2) One (1) sanitary engineer.

(3) One (1) pharmacist.

(4) One (1) dentist.

(5) One (1) veterinarian.

(6) One (1) registered nurse.

(7) One (1) hospital administrator.



(8) One (1) health facility administrator.

**(9) One (1) public health professional including an epidemiologist.**

**(10) One (1) citizen representative.**

~~(9)~~ **(11) One (1) other person.**

SECTION 13. IC 16-19-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 2. **(a) The state department may provide district or regional services to support local health departments.**

~~(a) (b)~~ The state department may establish ~~operate~~, and maintain ~~branch offices~~. **district or regional services.** The number of ~~branch offices~~ **district or regional services** shall be determined by the state department.

~~(b) (c)~~ The purpose of authorizing the creation of ~~branch offices~~ **district or regional services** is to furnish a more comprehensive and effective health program to the people of Indiana and to provide additional assistance to all local health officials. The legislative intent of this section is to authorize the establishment of ~~branch offices~~ **district or regional services** as a means of assisting, but not limiting, the powers possessed by local health ~~agencies~~. **departments.**

**(d) The state department may at least make available technical support for the following district or regional services to local health departments that provide core public health services:**

**(1) Epidemiology.**

**(2) Data analytics.**

**(3) Legal services.**

**(4) Communications.**

**(5) Grants.**

**(6) Training.**

**(7) Accreditation.**

**The state department may provide additional technical support, as determined by the state department.**

**(e) The legal services provided under subsection (d) are limited to technical support. A state department attorney may not represent a local health department as the local health department's counsel.**

**(f) The state department may provide funding to local health departments to defray the costs of accreditation.**

SECTION 14. IC 16-19-3-33 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 33. **The state department may issue guidance to local health departments on this title and any**



1 **rules promulgated by the state department to assist with the**  
 2 **uniform application of public health laws in Indiana.**

3 SECTION 15. IC 16-19-10-4 IS AMENDED TO READ AS  
 4 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4. The center shall do  
 5 the following:

- 6 (1) Collect and process health data.
- 7 (2) Maintain statistics concerning gender and ethnicity and  
 8 provide the information to the state department of health annually.
- 9 (3) Improve the quality, timeliness, and comparability of health  
 10 statistics.
- 11 (4) Analyze and disseminate information about the health status  
 12 of Indiana residents.
- 13 (5) Provide access to health data to persons who are permitted to  
 14 obtain the data under this chapter.
- 15 **(6) Ensure the security and protection of health data**  
 16 **maintained by the state department.**
- 17 ~~(6)~~ (7) Support the goals and objectives of the Cooperative Health  
 18 Statistics System established by the federal National Center for  
 19 Health Statistics.

20 SECTION 16. IC 16-20-1-7 IS AMENDED TO READ AS  
 21 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 7. **(a)** The board of  
 22 each local health department shall ~~publish in pamphlet form, within~~  
 23 ~~ninety (90) days after January 1, for free distribution, submit to the~~  
 24 **state department** an annual report for the previous year showing the  
 25 following:

- 26 (1) The amount of money received from all sources.
- 27 (2) The name of any donor.
- 28 (3) How all money has been expended and for what purpose.
- 29 (4) Other statistics and information concerning the work of the  
 30 health department that the board considers to be of general  
 31 interest.

32 **(b) The state department shall make the annual reports**  
 33 **described in subsection (a) available to the public.**

34 SECTION 17. IC 16-20-1-9.5 IS ADDED TO THE INDIANA  
 35 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 36 [EFFECTIVE JULY 1, 2023]: **Sec. 9.5. (a) In order to serve as the**  
 37 **local health officer, an individual must:**

- 38 **(1) be a physician licensed under IC 25-22.5; or**
- 39 **(2) have at least:**
  - 40 **(A) a master's degree in public health; and**
  - 41 **(B) five (5) years of experience in public health;**
- 42 **and be approved in accordance with IC 16-20-2-16.**





(b) Beginning July 1, 2023, any individual listed in subsection (a) who is newly appointed to the position of a local health officer shall complete a public health foundation training course developed and approved by the state department.

SECTION 18. IC 16-20-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) This section applies to a local health department in a county where the county executive has applied for and received additional funding to provide core public health services.

(b) Before July 1, 2023, the state department shall identify state level metrics for measuring the delivery of the core public health services and progress on preventing or reducing the prevalence of health issues impacting Indiana residents. Before December 31, 2024, the state department shall, in coordination with local health departments in a county described in subsection (a), identify the county level metrics for measuring the delivery of the core public health services.

(c) Reports of Each local health department that provides core public health services shall report activities and metrics on the delivery of the core public health services shall be made to the state department as required by the rules of the state department semi-annually, in the form and manner determined by the state department.

(d) The state department shall:

- (1) collect and analyze the information reported to the state department under subsection (c); and
- (2) before July 1, 2024, develop and publish on the Internet a web page that tracks the metrics identified in subsection (b) and indicates any progress made in these metrics.

(e) The state department shall provide a report annually on the information collected in subsection (c) to the legislative council in an electronic format under IC 5-14-6.

(f) The state department shall annually present the metrics determined under this section to the budget committee.

(g) A county that accepts additional funding to provide core public health services does not transfer any authority under statute in operating the local health department to the state department in return for the additional funding.

SECTION 19. IC 16-20-1-14, AS AMENDED BY P.L.134-2008, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 14. (a) Local health officers may, appoint and employ public health nurses, environmental health specialists,



computer programmers, clerks, other personnel, and an administrator of public health, subject to the confirmation of the local board of health, as is necessary and reasonable to carry out and perform the duties of the local health department. **subject to confirmation by the local board of health, hire requisite staff to complete and discharge the duties of the local health department.**

(b) Except as provided in subsection (d), the employees of local health departments shall perform any of the duties of the health officer delegated by the health officer, with the approval of the local board of health, on the basis of an agent-principal relation.

(c) The public health personnel of local health departments:

- (1) must meet the minimum qualification requirements of the local board of health;
- (2) by local ordinance, become part of the county classification system for the respective public health personnel positions; and
- (3) shall perform additional duties prescribed by the rules of the state department and local board of health under the general supervision of the local health officer.

(d) If an appointee or employee of a local health officer is not a licensed water well driller under IC 25-39-3, the appointee or employee may not inspect the drilling of a water well.

SECTION 20. IC 16-20-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4. **(a) For a county with a population of less than two hundred thousand (200,000),** a local board of health is composed of seven (7) members, not more than:

- (1) four (4) of whom may be from the same political party; and**
- (2) two (2) of whom are unaffiliated with any political party.**

**(b) For a county with a population of at least two hundred thousand (200,000), a local board of health is composed of nine (9) members, not more than:**

- (1) five (5) of whom may be from the same political party; and**
- (2) two (2) of whom are unaffiliated with any political party.**

SECTION 21. IC 16-20-2-5, AS AMENDED BY P.L.2-2008, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 5. **(a) For a county with a population of at least two hundred thousand (200,000),** the members of a local board of health shall be chosen as follows:

- (1) Four (4) Five (5) persons knowledgeable in clinical and public health, at least two (2) of whom are licensed physicians, and appointed by the county executive.** The other ~~two (2)~~ appointees may be any of the following:

(A) A registered nurse licensed under IC 25-23.



- 1 (B) A registered pharmacist licensed under IC 25-26.
- 2 (C) A dentist licensed under IC 25-14.
- 3 (D) A hospital administrator.
- 4 (E) A social worker.
- 5 (F) An attorney with expertise in health matters.
- 6 (G) A school superintendent.
- 7 (H) A veterinarian licensed under IC 25-38.1.
- 8 (I) A professional engineer registered under IC 25-31.
- 9 (J) An environmental scientist.
- 10 **(K) A physician assistant licensed under IC 25-27.5.**
- 11 **(L) A public health professional, including an**
- 12 **epidemiologist.**
- 13 ~~(2) Two (2) representatives~~ **One (1) representative** of the general
- 14 **public, appointed by the county executive.**
- 15 ~~(3) One (1) representative described in either subdivision (1) or~~
- 16 ~~(2): individual appointed by the county fiscal body who either:~~
- 17 **(A) has public health knowledge; or**
- 18 **(B) is a member of the general public.**
- 19 **(4) Two (2) representatives, one (1) each appointed by the**
- 20 **executive of the two (2) most populous cities in the county.**
- 21 **However, if either of the county's two (2) most populous cities**
- 22 **is a city with a city health department established under**
- 23 **IC 16-20-4, the executive of the city with a city health**
- 24 **department may not appoint a representative on the local**
- 25 **board of health, and the next populous city's executive shall**
- 26 **appoint a representative to the local board of health.**
- 27 **(b) For a county with a population of less than two hundred**
- 28 **thousand (200,000), the members of a local board of health shall be**
- 29 **chosen as follows:**
- 30 **(1) Five (5) persons knowledgeable in public health, at least**
- 31 **one (1) of whom is a physician, and appointed by the county**
- 32 **executive. The other appointees may be any of the following:**
- 33 **(A) A physician licensed under IC 25-22.5.**
- 34 **(B) A registered nurse licensed under IC 25-23.**
- 35 **(C) A registered pharmacist licensed under IC 25-26.**
- 36 **(D) A dentist licensed under IC 25-14.**
- 37 **(E) A hospital administrator.**
- 38 **(F) A social worker.**
- 39 **(G) An attorney with expertise in health matters.**
- 40 **(H) A school superintendent.**
- 41 **(I) A veterinarian licensed under IC 25-38.1.**
- 42 **(J) A professional engineer registered under IC 25-31.**



(K) An environmental scientist.

(L) A physician assistant licensed under IC 25-27.5.

(M) A public health professional, including an epidemiologist.

(2) One (1) person who either has public health knowledge or is a member of the general public, and is appointed by the county fiscal body.

(3) One (1) person appointed by the executive of the most populous city in the county.

SECTION 22. IC 16-20-2-6 IS REPEALED [EFFECTIVE JULY 1, 2023]. Sec. 6: Except as provided in section 7 of this chapter, the county executive shall appoint the members of a local board of health:

SECTION 23. IC 16-20-2-7 IS REPEALED [EFFECTIVE JULY 1, 2023]. Sec. 7: (a) In the following counties, the county executive and the executive of the most populous city located in the county shall appoint the members of the local board of health as provided in subsection (b):

(1) A county having a population of more than one hundred eighty thousand (180,000) and less than one hundred eighty-five thousand (185,000):

(2) A county having a population of more than eighty thousand four hundred (80,400) and less than eighty-two thousand (82,000):

(b) The executive of each second class city located in a county described in subsection (a) shall appoint a number of members of the board in the proportion that the city's population is to the total county population to the nearest whole fraction. The appointments made under this subsection shall be made in order, according to the population of a city; with the city having the largest population making the first appointments. The county executive shall appoint the remaining number of members of the county board of health.

SECTION 24. IC 16-20-2-16, AS AMENDED BY P.L.219-2021, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 16. (a) Each local board of health shall appoint a health officer **that meets the requirements of IC 16-20-1-9.5** to serve for a term of four (4) years. The health officer serves until a successor is appointed and qualified. ~~The health officer must be a licensed physician. After June 30, 2021,~~

(b) The appointment of a local health officer is subject to the approval of the appropriate county legislative body. If the appropriate county legislative body fails to approve a nominated individual on two (2) separate occasions, the individual is barred from further



consideration for the position.

~~(b)~~ (c) The appointment shall be certified by the county executive and sent to the state department. The state department shall maintain a record of the certification.

~~(c)~~ (d) The health officer is eligible for reappointment.

~~(d)~~ (e) The health officer is the executive officer of the local health department and shall serve as secretary of the local board of health.

**(f) If a local board of health wants to employ a local health officer who is not a physician, but meets the requirements of IC 16-20-1-9.5(a)(2), the local board of health must do the following:**

**(1) Obtain the approval of the county executive.**

**(2) Upon obtaining the approval under subdivision (1), submit a request to the executive board of the state department for approval to employ the individual. The request must detail how the county or jurisdiction plans to ensure the appropriate clinical oversight for any provided medical services.**

**(g) The executive board of the state department shall determine whether to approve a request under subsection (f)(2) based on the needs of the requesting county or jurisdiction and the qualifications of the individual.**

**(h) A local health officer may be appointed to serve simultaneously more than one (1) local board of health.**

SECTION 25. IC 16-20-3-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 1.5. (a) A multiple county health department must maintain at least one (1) physical office in each represented county.**

**(b) Each physical office must at least offer consumer accessible services, including:**

**(1) vital records;**

**(2) environmental inspections; and**

**(3) permit services.**

SECTION 26. IC 16-20-3-2, AS AMENDED BY P.L.2-2008, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 2. (a) There must be at least seven (7) members of a multiple county board of health.**

**(b) The county executives establishing a multiple county health department shall determine the following for the multiple county board of health:**

**(1) The number of members.**

**(2) The qualifications of members.**



(3) The number of appointments made by each county.

(c) The county executive of each county participating in a multiple county board of health shall appoint ~~at least one (1) licensed physician.~~  
**the members of the multiple county board of health, except that the executive of the most populous city of the participating counties of the multiple county board of health shall appoint one (1) member to the multiple county board of health.**

(d) ~~At least two-thirds (2/3) of the members appointed under this section must have expertise in public health. The appointees may be any of the following:~~ **The appointments made by the county executives must meet the following requirements:**

**(1) At least five (5) individuals appointed to the multiple county board of health must be knowledgeable in public health and also be one (1) of the following:**

**(A) A physician licensed under IC 25-22.5.**

~~(1) (B)~~ **A registered nurse licensed under IC 25-23.**

~~(2) (C)~~ **A registered pharmacist licensed under IC 25-26.**

~~(3) (D)~~ **A dentist licensed under IC 25-14.**

~~(4) (E)~~ **A hospital administrator.**

~~(5) (F)~~ **A social worker.**

~~(6) (G)~~ **An attorney with expertise in health matters.**

~~(7) (H)~~ **A school superintendent.**

~~(8) (I)~~ **A veterinarian licensed under IC 25-38.1.**

~~(9) (J)~~ **A professional engineer registered under IC 25-31.**

~~(10) (K)~~ **An environmental scientist.**

**(L) A physician assistant licensed under IC 25-27.5.**

**(M) A public health professional, including an epidemiologist.**

**(2) At least one (1) individual who either has public health knowledge or is a member of the public and is recommended by any of the participating county fiscal bodies.**

SECTION 27. IC 16-20-3-9, AS AMENDED BY P.L.219-2021, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 9. (a) A multiple county board of health shall appoint a health officer **in accordance with IC 16-20-1-9.5 and section 2 of this chapter** to serve for a term of four (4) years. ~~The health officer must be a licensed physician. After June 30, 2021,~~ The appointment of the health officer is subject to the approval of the legislative body of each participating county. If the legislative bodies of the participating counties fail to approve the nominated individual on two (2) separate occasions, the individual is barred from further consideration for the position.



(b) The appointment of the health officer shall be certified by the county executive of each participating county and sent to the state department for the state department's records.

(c) The health officer is eligible for reappointment and serves until a successor is appointed and qualified.

(d) The health officer is the executive officer of the multiple county health department and shall serve as secretary of the multiple county board of health.

**(e) If a multiple county board of health wants to employ a local health officer who is not a physician, but meets the requirements of IC 16-20-1-9.5(a)(2), the multiple county board of health must do the following:**

**(1) Obtain the approval of the county executives.**

**(2) Upon obtaining the approval under subdivision (1), submit a request to the executive board of the state department for approval to employ the individual. The request must detail how the multiple county board of health plans to ensure the appropriate clinical oversight for any provided medical services.**

**(f) The executive board of the state department shall determine whether to approve a request under subsection (e)(2) based on the needs of the counties or jurisdiction and the qualifications of the individual.**

**(g) A local health officer may be appointed to serve simultaneously more than one (1) local board of health.**

SECTION 28. IC 16-20-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. **(a) After December 31, 2022, a local official, city legislative body, city fiscal body, or county may not establish a city health department.**

**(b) Formation and establishment of A city health department is subject to the approval of the city fiscal body: established before January 1, 2023, may continue to operate in accordance with this chapter.**

SECTION 29. IC 16-20-4-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4.5. **(a) The city fiscal body in which a city health department has been authorized under this chapter shall establish a special fund known as the municipal health fund.**

**(b) Money in the fund may be used only for the purposes of this title and shall be drawn upon by the proper officers of the city upon the properly authenticated vouchers of the city health**



department.

(c) The city fiscal body shall appropriate from the municipal health fund money necessary to maintain the city health department.

(d) Money in the fund at the end of a fiscal year does not revert to the city general fund.

SECTION 30. IC 16-20-4-5 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 5: (a) Except as provided in subsection (b), the legislative body of a second class city may by resolution provide for a full-time city health department:

(b) A local official; city legislative body; city fiscal body; or county may not establish a full-time or part-time city health department in a county having a population of more than one hundred eighty-five thousand (185,000) and less than two hundred thousand (200,000):

(c) A health ordinance adopted by a city legislative body after December 31, 1993, in a county having a population of more than one hundred eighty-five thousand (185,000) and less than two hundred thousand (200,000) is void:

SECTION 31. IC 16-20-4-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. (a) The board of each city health department shall appoint a health officer **who meets the requirements set forth in IC 16-20-1-9.5**. The appointment is subject to the approval of the city legislative body.

(b) The health officer is the executive officer for the department and shall serve as secretary of the local board.

(c) The health officer must ~~meet the following conditions:~~

(1) ~~be a citizen of the United States.~~

(2) ~~Be a licensed physician or be eligible for such a license.~~

(d) **If a city health department wants to employ a local health officer who is not a physician, but meets the requirements of IC 16-20-1-9.5(a)(2), the city health department must do the following:**

(1) Obtain the approval of the city executive.

(2) Upon obtaining the approval under subdivision (1), submit a request to the executive board of the state department for approval to employ the individual. The request must detail how the city plans to ensure the appropriate clinical oversight for any provided medical services.

(e) The executive board of the state department shall determine whether to approve a request under subsection (d)(2) based on the needs of the requesting city and the qualifications of the individual.

(f) A local health officer may be appointed to serve





1 **simultaneously more than one (1) local board of health.**

2 ~~(d)~~ **(g)** A health officer serves a term of four (4) years unless  
3 removed for cause as provided in this title.

4 SECTION 32. IC 16-31-2.5 IS ADDED TO THE INDIANA CODE  
5 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
6 JULY 1, 2023]:

7 **Chapter 2.5. Indiana Trauma Care Commission**

8 **Sec. 1. (a) The Indiana trauma care commission is established.**

9 **(b) The governor shall appoint thirteen (13) members to the**  
10 **commission, taking into consideration geographic representation,**  
11 **as follows:**

12 **(1) The state health commissioner or the commissioner's**  
13 **designee, who shall serve as chairperson of the commission.**

14 **(2) The director or the director's designee.**

15 **(3) The secretary of family and social services or the**  
16 **secretary's designee.**

17 **(4) A representative of the American College of Surgeons**  
18 **Committee on Trauma.**

19 **(5) A representative of the Indiana Hospital Association.**

20 **(6) A representative from the Emergency Medical Services for**  
21 **Children Program.**

22 **(7) A representative of a Level I designated trauma hospital**  
23 **who is a surgeon and licensed under IC 25-22.5.**

24 **(8) A representative of the Indiana Chapter of the American**  
25 **College of Emergency Physicians and who is an emergency**  
26 **medicine physician licensed under IC 25-22.5.**

27 **(9) A registered nurse licensed under IC 25-23 and who is**  
28 **employed as a trauma program manager.**

29 **(10) A representative of a Level I pediatric trauma center who**  
30 **is a surgeon and licensed under IC 25-22.5.**

31 **(11) A representative of a hospital licensed under IC 16-21-2**  
32 **that is located in a rural area of Indiana and that is not**  
33 **designated as a Level I, Level II, or Level III trauma care**  
34 **center.**

35 **(12) Two (2) members from state designated trauma centers**  
36 **that are not Level I trauma centers and who are surgeons and**  
37 **licensed under IC 25-22.5.**

38 **(c) The members described in subsection (b)(4) through (b)(12)**  
39 **shall be appointed for terms of four (4) years. The term of a**  
40 **member of the commission expires on July 1. However, a member**  
41 **may continue to serve until a successor is appointed. If a vacancy**  
42 **occurs, the governor shall appoint an individual to serve for the**



1 remainder of the unexpired term.

2 (d) The commission shall meet:

3 (1) at least four (4) times each year; and

4 (2) as often as deemed necessary upon the call of the  
5 chairperson.

6 (e) The state department shall staff the commission. The  
7 expenses described in section 3 of this chapter shall be paid from  
8 money appropriated to the department.

9 (f) The governor shall make the initial appointments to the  
10 commission not later than October 1, 2023. Notwithstanding  
11 subsection (c), the initial appointments to the commission shall be  
12 staggered as follows:

13 (1) Two (2) years for the members appointed under subsection  
14 (b)(4), (b)(6), (b)(8), and (b)(10), and one (1) member  
15 appointed under subsection (b)(12).

16 (2) Four (4) years for the members appointed under  
17 subsection (b)(5), (b)(7), (b)(9), and (b)(11), and the other  
18 member appointed under subsection (b)(12).

19 A member appointed to the commission may serve for more than  
20 one (1) term. This subsection expires June 30, 2026.

21 Sec. 2. The commission has the following duties:

22 (1) Develop and promote, in cooperation with state, regional,  
23 and local public and private organizations, a statewide  
24 program for the provision of trauma care and a  
25 comprehensive state trauma plan.

26 (2) Use trauma data to promote and support state and  
27 regional quality improvement initiatives and evaluations.

28 (3) Develop and implement a trauma system performance  
29 improvement plan.

30 (4) Support state level multi-disciplined disaster planning.

31 (5) Identify opportunities for, and promote the training of,  
32 trauma personnel and programs for the education of the  
33 general public in injury prevention and trauma care.

34 (6) Develop, in coordination with the state department,  
35 criteria for the awarding of trauma grant funds in the areas  
36 of:

37 (A) trauma system development;

38 (B) quality improvement;

39 (C) trauma and nontrauma center engagement; and

40 (D) injury prevention programming.

41 (7) Advise the state department on state trauma center  
42 designation.



(8) Not later than November 30 of each year, develop and make written recommendations to the governor and, in an electronic format under IC 5-14-6, to the legislative council concerning the results of the commission's work under this section. The commission shall make the report submitted under this subdivision available to the public.

Sec. 3. (a) Each member of the commission who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the commission who is a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

Sec. 4. Seven (7) members are needed for the commission to take any action on a matter.

SECTION 33. IC 16-46-1 IS REPEALED [EFFECTIVE JULY 1, 2023]. (State Grants to Local Boards of Health for the Improvement of Community Health Services).

SECTION 34. IC 16-46-10-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 0.5. As used in this chapter, "local board of health" means a board established under IC 16-20-2, IC 16-20-3, IC 16-20-4, or IC 16-22-8.**

SECTION 35. IC 16-46-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. (a) The local **public** health ~~maintenance~~ fund is established for the purpose of providing local boards of health with funds **as provided in sections 2.1 through 2.3 of this chapter** to provide public health services. The fund shall be administered by the state department and consists of:

- (1) appropriations by the general assembly; ~~and~~
- (2) penalties paid and deposited in the fund under IC 6-8-11-17;
- and**
- (3) amounts, if any, that another statute requires to be distributed to the fund from the Indiana tobacco master settlement agreement fund.



(b) The expenses of administering the fund shall be paid from money in the fund.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

(d) Money in the fund at the end of the state fiscal year ~~does not revert~~ **reverts** to the state general fund.

SECTION 36. IC 16-46-10-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 1.5. (a) Each local board of health shall establish a separate fund known as the local public health services fund to receive local board of health funding under this chapter.**

**(b) Money dispersed under this chapter may only be deposited in the local public health services fund established under this section.**

**(c) The fund may be used only for appropriating money and allocating expenditures for the purposes described in section 3 of this chapter.**

SECTION 37. IC 16-46-10-2 IS REPEALED [EFFECTIVE JULY 1, 2023]. Sec. 2: (a) Except as provided in subsections (b) and (d), the state department shall provide funding each year from the local health maintenance fund under the following schedule to each local board of health whose application for funding is approved by the state department:

COUNTY POPULATION	AMOUNT OF GRANT
over = 499,999	\$ 60,000
100,000 = 499,999	50,000
50,000 = 99,999	30,000
under = 50,000	20,000

(b) For purposes of determining the amount of a grant to a multiple county board of health, the state department shall regard each county of the multiple county health department as a separate county. A grant to a multiple county board of health must equal the total of grants that would be made to the separate counties based on the population of each county.

(c) A local board of health that desires to receive funding from the local health maintenance fund must file an application with the state department before May 1 of each year. The application must state how the funds will be spent. The state department may extend the deadline for filing an application upon a showing of good cause by the local



1 board of health:

2 (d) If a county has more than one (1) local health department; the  
3 county fiscal body shall adopt an ordinance to allocate the funds  
4 provided to the county under subsection (a). This ordinance must  
5 provide that each local board of health in the county must receive an  
6 allocation of funds granted under subsection (a). The county fiscal  
7 body shall file a copy of the ordinance with the state department before  
8 May 1 of each year:

9 (e) By June 1 of each year, the state department shall:

10 (1) allocate money in the local health maintenance fund (for  
11 distribution the following January) to each local board of health  
12 whose application is approved in accordance with the schedule in  
13 subsection (a); and

14 (2) determine how much money in the local health maintenance  
15 fund has not been applied for:

16 The state department may use the money that has not been applied for  
17 or otherwise allocated to fund joint plans entered into by two (2) or  
18 more local boards of health or by a multiple county board as provided  
19 in subsections (g) and (i):

20 (f) If two (2) or more local boards of health cooperate in providing  
21 any of the services set out in section 3 of this chapter; those boards of  
22 health shall file a joint plan that must be approved by the state  
23 department. The joint plan must specify the following:

24 (1) The services to be provided under the plan:

25 (2) The cost of each service to be provided under the plan:

26 (3) The percentage of the total cost of services to be provided  
27 under the joint plan by each local board of health:

28 (g) If two (2) or more local boards of health join together to provide  
29 services in accordance with a joint plan filed with the state department  
30 of health under subsection (f); and the state department determines that  
31 the services to be provided under the joint plan are eligible for funding  
32 from the local health maintenance fund; the state department shall  
33 grant (in addition to the funds provided to each county in which the  
34 local boards of health are located under subsection (a)) an amount not  
35 to exceed fifteen thousand dollars (\$15,000) to fund the joint plan. The  
36 state department shall grant money to fund joint plans that most  
37 effectively accomplish the following goals in accordance with  
38 standards adopted by the state department:

39 (1) Benefit the greatest number of people:

40 (2) Provide services in a cost effective manner:

41 (3) Address the most serious health care needs of the area served:

42 (4) Provide additional public health services in a medically



underserved or economically distressed area.

This money shall be allocated directly to each local board of health participating in the joint plan in the same percentages specified in the joint plan under subsection (f)(3).

(h) A multiple county health board may file a plan under this section to provide any of the services set out in section 3 of this chapter. If the state department determines that the services to be provided under the plan submitted by a multiple county health board are eligible for funding from the local health maintenance fund, the state department shall grant (in addition to the funds provided under subsection (a) to each county in which the local boards of health are located) an amount not to exceed fifteen thousand dollars (\$15,000) to fund the plan.

(i) Services funded under this section must be in addition to, and not in place of, services funded at the local level.

SECTION 38. IC 16-46-10-2.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 2.1. (a) The state department shall provide funding each year from the local public health fund to each local board of health in accordance with this chapter.**

**(b) If a county has more than one (1) local health department, the state department shall determine the county's share of funding and distribute the funds to the county.**

**(c) For purposes of determining the amount of funding in the case of a multiple county board of health, the state department shall regard each county as a separate county.**

**(d) A local board of health may only receive funding under section 2.2 or 2.3 of this chapter. Funding received under this chapter must be deposited in the local board of health's local public health services fund established under section 1.5 of this chapter.**

SECTION 39. IC 16-46-10-2.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2.2. (a) This section applies for purposes of funding beginning in the state fiscal year beginning July 1, 2023, and in each state fiscal year thereafter.**

**(b) For purposes of this section, "SVI" means the federal Centers for Disease Control and Prevention and the federal Agency for Toxic Substances and Disease Registry social vulnerability index.**

**(c) In order for a local board of health to be eligible to receive funding under this section, the following requirements must be met:**

**(1) The county executive must apply to accept additional**



1 funding and to provide core public health services in the  
2 county for each funding cycle described in subsection (e).

3 (2) The county must provide a maintenance of effort each  
4 year according to the following:

5 (A) In the first year a local board of health receives funds  
6 under this section, the county shall distribute funds to the  
7 local board of health in an amount that equals the average  
8 amount of funds distributed to the local board of health by  
9 the county in the immediately preceding three (3) years.

10 (B) In each year after the first year a local board of health  
11 receives funds under this section, the county must provide  
12 an amount of funding equal to the amount determined in  
13 the last STEP of the following STEPS:

14 STEP ONE: Determine the amount of funding the local  
15 board of health is eligible to receive under subsection  
16 (d)(1)(A) for the year.

17 STEP TWO: Multiply the STEP ONE result by one and  
18 twenty-five hundredths (1.25).

19 STEP THREE: Subtract the STEP ONE result from the  
20 STEP TWO result.

21 (C) The local health funding provided by a county under  
22 clauses (A) and (B) may only consist of funds attributable to  
23 taxes and miscellaneous revenue that is deposited in the  
24 county health fund, and may not include fees collected by  
25 the local health department, federal funds, or private funds.

26 (3) The local board of health:

27 (A) shall ensure that the core public health services are  
28 provided in the county in accordance with the financial  
29 report required by subsection (f); and

30 (B) may employ:

31 (i) one (1) full-time public health nurse;

32 (ii) one (1) full-time school liaison; and

33 (iii) one (1) part-time preparedness employee.

34 (d) Subject to subsection (f), and subject to state appropriations,  
35 the amount of funding for which a local board of health is eligible  
36 under this section is the sum of the following:

37 (1) A base amount equal to the greater of:

38 (A) twenty-six dollars (\$26) per capita; or

39 (B) in the case of a county having a population:

40 (i) greater than fifteen thousand (15,000), a minimum of  
41 four hundred fifty thousand dollars (\$450,000);

42 (ii) greater than ten thousand (10,000), but less than



1           fifteen thousand (15,000), a minimum of four hundred  
2           thousand dollars (\$400,000); and

3           (iii) less than ten thousand (10,000), a minimum of three  
4           hundred fifty thousand dollars (\$350,000).

5           (2) In the case of a county in the highest quartile SVI or an  
6           average county life expectancy of more than two (2) years less  
7           than the statewide average life expectancy, in addition to the  
8           amount under subdivision (1), an additional five dollars (\$5)  
9           per capita.

10          (3) In the case of a county in the second highest quartile SVI  
11          or an average county life expectancy that is one (1) year or  
12          two (2) years less than the statewide average life expectancy,  
13          in addition to the amount under subdivision (1), an additional  
14          three dollars (\$3) per capita.

15          (e) Funding is available under this section each year, subject to  
16          state appropriations. To be eligible, the county executive shall  
17          apply to accept additional funding each year and to provide core  
18          public health services. The budget committee shall review annual  
19          funding applications awarded by the department to each county  
20          prior to disbursement.

21          (f) Subject to section 3.5 of this chapter, each year that a local  
22          board of health wishes to receive funding under this section, the  
23          local board of health shall submit, not later than June 1, a financial  
24          report to the state department with a proposed spending plan and  
25          any additional information required by the state department.  
26          Subject to section 3.5 of this chapter, not later than June 1 of each  
27          year after the first year in which a local board of health receives  
28          funding under this section, the local board of health shall submit a  
29          financial report to the state department with an accounting of how  
30          funds were spent the previous year, a proposed spending plan for  
31          the upcoming year, and any additional information required by the  
32          state department. The financial report must be in a manner  
33          prescribed by the state department. The report shall be submitted  
34          to the state budget committee each year. State budget committee  
35          review must occur prior to the distribution of funding awards to  
36          counties provided under subsections (e) and (h).

37          (g) The county fiscal body shall work with the local board of  
38          health in the preparation and submission of a report required  
39          under subsection (f).

40          (h) For counties with a city health department established under  
41          IC 16-20-4-3, funding under this section shall be disbursed to the  
42          county health department. The county fiscal body and the city





1 fiscal body shall, in good faith, enter into an interlocal agreement,  
 2 in a manner prescribed by the state department, to determine the  
 3 amount of funding to be disbursed to the city health department.  
 4 The county health department and the city health department shall  
 5 submit a joint plan to the state department that demonstrates the  
 6 core public health services that will be provided by each in serving  
 7 the county.

8 (i) The county fiscal body may adopt an ordinance to allocate  
 9 the funds received under this section. The ordinance must provide  
 10 that each local board of health in the county may receive an  
 11 allocation of funds received under this section. The county fiscal  
 12 body shall file a copy of the ordinance with the state department  
 13 before May 1 of each year.

14 (j) For counties that have an existing health department  
 15 cooperative that was formed by an interlocal cooperative  
 16 agreement before December 31, 2022, and as authorized by  
 17 IC 36-1-7, funding under this section shall be disbursed to the  
 18 health department cooperative. The health department cooperative  
 19 shall follow the same rules and guidelines that are required by the  
 20 local board of health under this section.

21 SECTION 40. IC 16-46-10-2.3 IS ADDED TO THE INDIANA  
 22 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 23 [EFFECTIVE JULY 1, 2023]: Sec. 2.3. (a) This section applies:

24 (1) for purposes of funding beginning in the state fiscal year  
 25 beginning July 1, 2023, and in each state fiscal year  
 26 thereafter; and

27 (2) to a local board of health that does not receive funding  
 28 under section 2.2 of this chapter.

29 (b) A local board of health receiving funding under this section  
 30 shall, subject to state appropriations, receive an amount of state  
 31 funds equal to the allocation of state funds the county received in  
 32 state fiscal year 2023 from the state department through the local  
 33 health maintenance fund (as it existed in state fiscal year 2023) and  
 34 the Indiana local health department trust account (before its  
 35 repeal). The state budget committee shall receive a report of  
 36 annual funding amounts for each county under this section each  
 37 year.

38 (c) Before the first year that a local board of health wishes to  
 39 receive funding under this section, the local board of health shall  
 40 submit, not later than June 1, a financial report to the state  
 41 department with a proposed spending plan and any additional  
 42 information required by the state department. Not later than June



1 of each year after the first year in which a local board of health receives funding under this section, the local board of health shall submit a financial report to the state department with an accounting of how funds were spent the previous year, a proposed spending plan for the upcoming year, and any additional information required by the state department. The financial report must be in a manner prescribed by the state department. The state department may extend the deadline for filing a financial report under this subsection upon a showing of good cause by the local board of health. The report shall be submitted to the state budget committee each year.

SECTION 41. IC 16-46-10-2.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 2.4.** Not later than January 1 of each year, the state department shall, subject to state appropriations:

- (1) allocate money under sections 2.2 and 2.3 of this chapter to each eligible local public health fund; and
- (2) determine the amount of money under sections 2.2 and 2.3 of this chapter that remains after all allocations have been completed under subdivision (1).

SECTION 42. IC 16-46-10-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 2.5.** Not later than November 1 of each year, the state department shall submit a report to the department of local government finance including all state funds approved for local health departments under this chapter in the previous year.

SECTION 43. IC 16-46-10-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 3.** (a) Funding provided a local board of health under section ~~2~~ **2.2 or 2.3** of this chapter may be used by the local board to provide any of the following services:

- (1) ~~Animal and vector control.~~ **Core public health services.**
- (2) ~~Communicable disease control, including immunizations.~~ **Any statutorily required actions for a local health department.**
- (3) ~~Food sanitation.~~ **Evidence based programs to prevent or reduce the prevalence of health issues or improve the health and behavioral health of Indiana residents as outlined in the plan described in IC 16-30-3-2.**
- (4) ~~Environmental health.~~
- (5) ~~Health education.~~
- (6) ~~Laboratory services.~~



(7) Maternal and child health services, including prenatal clinics and well-child clinics.

(8) Nutrition services.

(9) Public health nursing, including home nursing visitation and vision and hearing screening.

(10) Vital records.

(b) Money granted a local board of health from the local public health maintenance fund may not be used for any purpose other than for the services listed in this section.

(c) A county may not use more than ten percent (10%) of the funds received under section 2.2 or 2.3 of this chapter during a fiscal year for capital expenditures, including:

(1) the purchase, construction, or renovation of buildings or other structures;

(2) land acquisition; and

(3) the purchase of vehicles and other transportation equipment.

(d) Funds used for capital expenditures under subsection (c) must be included on the annual financial report required under section 2.2(f) or 2.3(c) of this chapter and posted on the local health department's website.

SECTION 44. IC 16-46-10-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 3.5. (a) If two (2) or more local boards of health cooperate in providing any of the services described in section 3 of this chapter, those local boards of health shall file a joint financial report as described in section 2.2(f) of this chapter that must be approved by the state department. The joint financial report must include the following:

(1) The services to be provided under the joint financial report.

(2) The cost of each service to be provided under the joint financial report.

(3) The percentage of the total cost of services to be provided under the joint financial report by each local board of health.

(b) The report shall be submitted to the state budget committee each year.

SECTION 45. IC 16-46-10-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4. (a) Except as provided in subsections (b) and (c), the services funded under this chapter shall be provided without cost to a recipient.

(b) If a recipient has insurance or any type of public indemnification



that would in part pay for any services funded under this chapter, then the recipient shall assign the recipient's rights to that insurance or public indemnification to the local board of health. The insurer, upon notification from the local board of health, shall pay for those services covered under that recipient's insurance policy or public indemnification.

(c) The legislative body of the unit in which a local board of health has jurisdiction may adopt an ordinance that requires the local board of health to do either or both of the following:

(1) Charge individuals for services on a sliding fee schedule based on income that is adopted by the state board under rules adopted under IC 4-22-2.

(2) Charge corporations, partnerships, and other commercial concerns for services funded under this chapter.

(d) The fees for services collected under ~~subsection~~ **subsections (b) and (c)** shall be used only for public health purposes and shall be used in addition to, and not in place of, funds allocated for public health purposes before the ordinance described in subsection (c) became effective.

SECTION 46. IC 16-46-10-6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 6. To remain eligible for funding under this chapter, a local board of health must maintain compliance with the financial report submitted under section 2.2 or 2.3 of this chapter, as applicable, and any other reporting requirements under this title. If the state department determines there are reasonable grounds to believe that a local board of health is not complying with:**

**(1) the local board of health's financial report;**

**(2) statutory directives; or**

**(3) rules adopted by the state department;**

**the state department shall provide written notice of noncompliance to the local board of health, county executive, county fiscal body, and local health department administrator. The local board of health shall have at least thirty (30) days to demonstrate compliance or provide a plan for compliance that is approved by the state department. If, after thirty (30) days, the local board of health has not demonstrated compliance or provided a plan for compliance, the state department may suspend funding under this chapter for the local board of health until compliance is achieved, as determined by the state department. The department shall report to the state budget committee each local board's funding**



1 **that is suspended under this section within thirty (30) days of the**  
 2 **suspension.**

3 SECTION 47. IC 20-34-3-12, AS AMENDED BY P.L.89-2013,  
 4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 5 JULY 1, 2023]: Sec. 12. (a) For purposes of this section, "modified  
 6 clinical technique" means a battery of vision tests that includes:

7 (1) a visual acuity test to determine an individual's ability to see  
 8 at various distances;

9 (2) a refractive error test to determine the focusing power of the  
 10 eye;

11 (3) an ocular health test to determine any external or internal  
 12 abnormalities of the eye; and

13 (4) a binocular coordination test to determine if the eyes are  
 14 working together properly **performed by an ophthalmologist**  
 15 **licensed as a physician under IC 25-22.5 or an optometrist**  
 16 **licensed under IC 25-24.**

17 (b) For purposes of this section, "vision screening" means the testing  
 18 of visual acuity to determine an individual's ability to see ~~at various~~  
 19 ~~distances using:~~

20 ~~(1) the Snellen chart;~~

21 ~~(2) Sloan letters;~~

22 ~~(3) HOTV; or~~

23 ~~(4) LEA symbol optotypes;~~

24 ~~at a distance of either ten (10) or twenty (20) feet for distance vision;~~  
 25 ~~depending on the calibration of the chart being used; and a distance of~~  
 26 ~~fourteen (14) inches for near vision. **with each eye using tests**~~  
 27 ~~**described in subsection (d).**~~

28 ~~(c) The modified clinical technique shall be performed by an~~  
 29 ~~ophthalmologist licensed as a physician under IC 25-22.5 or an~~  
 30 ~~optometrist licensed under IC 25-24.~~

31 ~~(d) (c) The governing body of each school corporation shall conduct~~  
 32 ~~a vision test **screening** for each student enrolling in or transferring into:~~

33 ~~(1) **either** kindergarten; **or**~~

34 ~~(2) grade 1;~~

35 ~~(2) (3) grade 3;~~

36 ~~(3) (4) grade 5; and~~

37 ~~(4) (5) grade 8;~~

38 ~~and for each student suspected of having a visual defect.~~

39 ~~(e) (d) The vision test for students in kindergarten and grade 1~~  
 40 ~~**screening** shall be conducted using: ~~the modified clinical technique~~~~  
 41 ~~~~unless a waiver is granted under section 13 of this chapter. If a waiver~~~~  
 42 ~~~~is granted for a school corporation, the governing body shall conduct~~~~



a vision screening upon each student's enrollment in kindergarten or grade 1.

(1) modified clinical technique;

(2) Sloan letter charts;

(3) HOTV letter or LEA symbol charts for younger students;  
or

(4) technology devices, including photoscreens or autorefractors, for a child who is unable to perform the tests described in subdivisions (1) through (3).

(f) Each student described in subsection (d)(2), (d)(3), and (d)(4); and each student suspected of having a visual defect shall be tested using a vision screening of the student's visual acuity.

(g) The following standards apply for a vision screening under subsections (e) and (f):

(1) A student in kindergarten or grade 1 who is unable to read with each eye the 20/30 line of the Snellen chart or the 20/32 line of the Sloan letters, HOTV, or LEA symbol optotypes shall be recommended for further examination based upon the recommendation of the individual performing the screening.

(2) A student:

(A) in grade 3, grade 5, or grade 8; or

(B) suspected of having a visual defect;

who is unable to read with each eye the 20/30 line of the Snellen chart or the 20/32 line of the Sloan letters shall be recommended for further examination based upon the recommendation of the individual performing the screening.

(e) If the individual performing the screening determines that a student at any grade level is unable to read the 20/32 line of Sloan letters or LEA charts with each eye and recommends that the student be seen for further examination, the school shall provide a written notice of the recommendation to the student's parent or legal guardian.

(h) (f) Records of all tests shall be made and continuously maintained by the school corporation to provide information useful in protecting, promoting, and maintaining the health of students. The **state Indiana** department of health, **and in consultation with** the state board, shall adopt joint rules concerning vision testing equipment, qualifications of vision testing personnel, visual screening procedures, and criteria for failure and referral in the screening tests based on accepted medical practice and standards.

(i) (g) The school corporation's governing body and the superintendent shall receive annually the following information



concerning the tests conducted under this section:

- (1) The number of students tested by grade.
- (2) The number of students by grade who were tested using the modified clinical technique.
- (3) The number of students by grade who were tested using a vision screening.
- (4) The number of students by grade who passed a test.
- (5) The number of students by grade who failed a test or were referred for further testing.
- (6) The name of the individual or department that supervised the testing.

(j) (h) Each school corporation shall annually provide to the department, for each school within the school corporation, the following information concerning the tests conducted under this section:

- (1) the number of students tested by grade;
- (2) the number of students by grade who were tested using the modified clinical technique;
- (3) the number of students by grade who were tested using a vision screening;
- (4) the number of students who passed a test by grade; and
- (5) the number of students who failed a test or who were referred for further testing.

(k) (i) Not later than October 1 each year, the department shall report for the previous school year:

- (1) a compilation of the information received from school corporations under subsection (j); (h);
- (2) information received under section 13 of this chapter, including:
  - (A) the number of school corporations that applied for a waiver;
  - (B) the number of waivers approved;
  - (C) the number of waivers denied;
  - (D) the name of each school corporation that applied for a waiver and whether the waiver was approved or denied; and
  - (E) the reason for the approval or denial;
- (3) (2) the total number of students eligible for testing; and
- (4) (3) the total number of students tested;

to the legislative council in electronic format under IC 5-14-6.

SECTION 48. IC 20-34-3-13 IS REPEALED [EFFECTIVE JULY 1, 2023]. Sec. 13. (a) If a school corporation is unable to comply with section 12(e) of this chapter, the governing body may, before November 1 of a school year, request from the secretary of education



a waiver of the requirements of section 12(e) of this chapter:

(b) The waiver request under subsection (a) must:

(1) be in writing;

(2) include the reason or reasons that necessitated the waiver request; and

(3) indicate the extent to which the governing body attempted to comply with the requirements under section 12(e) of this chapter.

(c) The secretary of education shall take action on the waiver request not later than thirty (30) days after receiving the waiver request.

(d) The secretary of education may:

(1) approve the waiver request;

(2) deny the waiver request; or

(3) provide whatever relief that may be available to enable the school corporation to comply with the requirements under section 12(e) of this chapter.

(e) If the secretary of education approves the waiver request, the governing body shall conduct an annual screening test of the visual acuity of each student upon the student's enrollment in or transfer to grade 1:

(f) The governing body of each school corporation shall make and maintain records of all waivers requested by the governing body under this section.

(g) The secretary of education shall make and continuously maintain records of all actions taken by the secretary of education concerning all waivers requested under this section.

(h) A request for a waiver under this section must be made annually.

SECTION 49. IC 20-34-4.5-0.4, AS ADDED BY P.L.117-2017, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 0.4. As used in this chapter, "emergency stock medication" means emergency medication to which both of the following apply:

(1) The prescription **or standing order** for the emergency medication is filled by a school or school corporation.

(2) The emergency medication is stored at a school in accordance with this chapter.

SECTION 50. IC 20-34-4.5-1, AS AMENDED BY P.L.117-2017, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. (a) A school or a school corporation may:

(1) fill a prescription **or statewide standing order** for an emergency medication; and

(2) store the emergency medication:

(A) if the prescription **or statewide standing order** is filled by





1 a school, in the school; or  
 2 (B) if the prescription **or statewide standing order** is filled by  
 3 a school corporation, in a school in the school corporation;  
 4 if a health care provider who is licensed in Indiana and whose scope of  
 5 practice includes the prescribing of medication writes the prescription  
 6 **or the state health commissioner issues a statewide standing order**  
 7 for the emergency medication for the school or school corporation.

8 (b) The school shall store the emergency medication in a safe  
 9 location in which only school employees have access.

10 SECTION 51. IC 20-34-4.5-3, AS AMENDED BY P.L.28-2019,  
 11 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2023]: Sec. 3. (a) A health care provider who is licensed in  
 13 Indiana and whose scope of practice includes the prescribing of  
 14 medication may:

15 (1) write; or  
 16 (2) transmit in an electronic format for an electronically  
 17 transmitted prescription;  
 18 a prescription, drug order, or protocol for an emergency medication for  
 19 a school or school corporation.

20 (b) **The state health commissioner or the state health**  
 21 **commissioner's designee who is a licensed prescriber may issue a**  
 22 **statewide standing order, prescription, or protocol for emergency**  
 23 **stock medication for schools or school corporations.**

24 ~~(b)~~ (c) A pharmacist licensed under IC 25-26 may dispense a valid  
 25 prescription, drug order, **standing order**, or protocol for an emergency  
 26 medication issued in the name of a school or school corporation.

27 SECTION 52. IC 20-34-4.5-4, AS AMENDED BY P.L.28-2019,  
 28 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2023]: Sec. 4. (a) A school nurse or school employee who  
 30 administers an emergency stock medication in accordance with the  
 31 manufacturer's guidelines and with this chapter is not liable for civil  
 32 damages resulting from the administration of the emergency stock  
 33 medication under this chapter unless the act or omission constitutes  
 34 gross negligence or willful or wanton misconduct.

35 (b) **The state health commissioner, the state health**  
 36 **commissioner's designee, or** a health care provider described in  
 37 section 3 of this chapter who:

38 (1) writes; or  
 39 (2) transmits in an electronic format for an electronically  
 40 transmitted prescription;  
 41 a prescription, drug order, **statewide standing order**, or protocol under  
 42 this chapter is not liable for civil damages resulting from the



1 administration of an emergency stock medication under this chapter.

2 (c) A health care provider described in section 2(b)(1) of this  
3 chapter who provides training to school employees under this chapter  
4 is not liable for civil damages resulting from the administration of an  
5 emergency stock medication.

6 SECTION 53. IC 25-13-3-8, AS ADDED BY P.L.30-2018,  
7 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
8 JULY 1, 2023]: Sec. 8. An access practice dentist shall ~~reside in the~~  
9 ~~county or adjacent county and~~ be available to provide emergency  
10 communication and consultation with the dental hygienist who is  
11 providing services under an access practice agreement. The access  
12 practice dentist shall appoint another licensed dentist in case the access  
13 practice dentist cannot be contacted for emergency communication and  
14 consultation.

15 SECTION 54. IC 34-30-2.1-282, AS ADDED BY P.L.105-2022,  
16 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
17 JULY 1, 2023]: Sec. 282. IC 20-34-4.5-4 (Concerning school nurses,  
18 school employees, **the state health commissioner, the state health**  
19 **commissioner's designee,** and health care providers and the  
20 administration of emergency stock medication).

21 SECTION 55. **An emergency is declared for this act.**



## COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 4, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Replace the effective date in SECTION 8 with "[EFFECTIVE UPON PASSAGE]".

Page 2, line 3, delete "Decontamination" and insert "**Orders for the decontamination**".

Page 2, line 25, after "(17)" insert "**Maternal and child health. (18)**".

Page 2, line 27, delete "(18)" and insert "**(19)**".

Page 2, line 30, delete "(19)" and insert "**(20)**".

Page 2, line 31, delete "(20)" and insert "**(21)**".

Page 2, line 32, delete "(21)" and insert "**(22)**".

Page 5, line 3, delete "formal public health training;" and insert "**a master's degree in public health;**".

Page 5, line 5, delete "formal public health training;" and insert "**a master's degree in public health;**".

Page 5, delete lines 10 through 24, begin a new paragraph and insert:

**"(b) Beginning July 1, 2023, any individual listed in subsection (a) who is newly appointed to the position of a local health officer shall:**

- (1) complete a public health foundation training course developed and approved by the state department; and**
- (2) earn a certified public health credential not later than one (1) year from being eligible to take the exam."**

Page 5, line 30, after "(b)" insert "**Before July 1, 2023, the state department shall identify state level metrics for measuring the delivery of the core public health services and progress on preventing or reducing the prevalence of health issues impacting Indiana residents. Before December 31, 2024, the state department shall, in coordination with local health departments in a county described in subsection (a), identify the county level metrics for measuring the delivery of the core public health services.**

**(c)".**

Page 5, line 36, delete "(c)" and insert "**(d)**".

Page 5, line 36, delete "shall" and insert "**shall:**

**(1)".**



Page 5, line 37, delete "(b)" and insert "(c); and  
**(2) before July 1, 2024, develop and publish on the Internet a web page that tracks the metrics identified in subsection (b) and indicates any progress made in these metrics."**

Page 5, delete line 38.

Page 5, line 39, delete "(d)" and insert "(e)".

Page 5, line 40, delete "(b)" and insert "(c)".

Page 5, between lines 41 and 42, begin a new paragraph and insert:  
**"(f) The state department shall annually present the metrics determined under this section to the budget committee."**

Page 7, line 13, after "(K)" insert "**A physician assistant licensed under IC 25-27.5.**

**(L)".**

Page 8, line 4, after "(L)" insert "**A physician assistant licensed under IC 25-27.5.**

**(M)".**

Page 10, line 28, after "(L)" insert "**A physician assistant licensed under IC 25-27.5.**

**(M)".**

Page 12, line 39, delete "fifteen (15)" and insert "**thirteen (13)**".

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

(Reference is to SB 4 as introduced.)

CHARBONNEAU, Chairperson

Committee Vote: Yeas 12, Nays 0.

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#### COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill No. 4, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new a paragraph and insert:

"SECTION 1. IC 6-7-1-30.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 30.5. (a) There is annually appropriated to the local **public** health ~~maintenance~~ fund

SB 4—LS 7070/DI 104



established by IC 16-46-10 two million four hundred thirty thousand dollars (\$2,430,000) from the state general fund to provide funds for annual distribution to local boards of health in accordance with ~~IC 16-46-10-2~~ **IC 16-46-10-2.2 or IC 16-46-10-2.3** to enable local boards of health to provide basic health services.

(b) The ~~state~~ **Indiana** department of health may retain annually a maximum of fifty thousand dollars (\$50,000) of the total appropriation to the local health maintenance fund under subsection (a) to pay administrative expenses incurred by the ~~state~~ **Indiana** department of health in distributing the funds to local health departments.

SECTION 2. IC 6-8-11-17, AS AMENDED BY P.L.122-2016, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 17. (a) An employee may, under this section, withdraw money from the employee's medical care savings account for a purpose other than the purposes set forth in section 13 of this chapter.

(b) Except as provided in sections 11(b) and 11.5 of this chapter, if an employee withdraws money from the employee's medical care savings account on the last business day of the account administrator's business year for a purpose not set forth in section 13 of this chapter:

- (1) the money withdrawn is income to the individual that is subject to taxation under IC 6-3-2-18(e); but
- (2) the withdrawal does not:
  - (A) subject the employee to a penalty; or
  - (B) make the interest earned on the account during the tax year taxable as income of the employee.

(c) Except as provided in sections 11(b) and 11.5 of this chapter, if an employee withdraws money for a purpose not set forth in section 13 of this chapter at any time other than the last business day of the account administrator's business year, all of the following apply:

- (1) The amount of the withdrawal is income to the individual that is subject to taxation under IC 6-3-2-18(e).
- (2) The administrator shall withhold and, on behalf of the employee, pay a penalty to the department of state revenue equal to ten percent (10%) of the amount of the withdrawal.
- (3) All interest earned on the balance in the account during the tax year in which a withdrawal under this subsection is made is income to the individual that is subject to taxation under IC 6-3-2-18(f).

(d) Money paid to the department of state revenue as a penalty under this section shall be deposited in the local **public** health ~~maintenance~~ fund established by IC 16-46-10-1.

SECTION 3. IC 16-18-2-2 IS REPEALED [EFFECTIVE JULY 1,



2023]. Sec. 2: "Adjustment and incentive support", for purposes of IC 16-46-1, has the meaning set forth in IC 16-46-1-2.

SECTION 4. IC 16-18-2-65 IS REPEALED [EFFECTIVE JULY 1, 2023]. Sec. 65: "Community health services", for purposes of IC 16-46-1, has the meaning set forth in IC 16-46-1-3."

Page 2, line 33, delete "." and insert ", including ambulances in counties that:

(A) are in underserved areas with a population of less than thirty-five thousand (35,000); and

(B) do not have the financial resources to purchase ambulances."

Page 2, between lines 37 and 38, begin a new paragraph and insert: "SECTION 4. IC 16-18-2-87 IS REPEALED [EFFECTIVE JULY 1, 2023]. Sec. 87: "County health fund", for purposes of IC 16-46-1, has the meaning set forth in IC 16-46-1-4.

SECTION 5. IC 16-18-2-140 IS REPEALED [EFFECTIVE JULY 1, 2023]. Sec. 140: "Foundation support", for purposes of IC 16-46-1, has the meaning set forth in IC 16-46-1-5.

SECTION 6. IC 16-18-2-187 IS REPEALED [EFFECTIVE JULY 1, 2023]. Sec. 187: "Inclusive", for purposes of IC 16-46-1, has the meaning set forth in IC 16-46-1-6.

SECTION 7. IC 16-18-2-210 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 210. (a) "Local board of health", for purposes of IC 16-22-8, means a local board of health referred to in IC 16-20.

(b) "Local board of health", for purposes of IC 16-46-1, IC 16-46-10, has the meaning set forth in IC 16-46-1-7. IC 16-46-10-0.5.

SECTION 8. IC 16-18-2-227 IS REPEALED [EFFECTIVE JULY 1, 2023]. Sec. 227: "Migratory temporary increase in population", for purposes of IC 16-46-1, has the meaning set forth in IC 16-46-1-8.

SECTION 9. IC 16-18-2-268 IS REPEALED [EFFECTIVE JULY 1, 2023]. Sec. 268: "Partnership responsibility", for purposes of IC 16-46-1, has the meaning set forth in IC 16-46-1-9."

Page 3, line 15, delete "shall" and insert "may".

Page 3, line 28, delete "shall" and insert "may".

Page 5, line 22, delete "voted to accept" and insert "applied for and received".

Page 12, between lines 3 and 4, begin a new paragraph and insert: "SECTION 29. IC 16-20-4-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4.5. (a) The city fiscal body in



which a city health department has been authorized under this chapter shall establish a special fund known as the municipal health fund.

(b) Money in the fund may be used only for the purposes of this title and shall be drawn upon by the proper officers of the city upon the properly authenticated vouchers of the city health department.

(c) The city fiscal body shall appropriate from the municipal health fund money necessary to maintain the city health department.

(d) Money in the fund at the end of a fiscal year does not revert to the city general fund."

Page 13, line 39, delete "three (3) years." and insert "**four (4) years.**".

Page 14, line 6, after "commission." insert "**The expenses described in section 3 of this chapter shall be paid from money appropriated to the department.**".

Page 14, line 14, delete "Three (3) years" and insert "**Four (4) years**".

Page 14, line 17, before "This" insert "**A member appointed to the commission may serve for more than one (1) term.**".

Page 15, line 18, delete "Eight (8)" and insert "**Seven (7)**".

Page 15, between lines 19 and 20, begin a new paragraph and insert: "SECTION 33. IC 16-46-1 IS REPEALED [EFFECTIVE JULY 1, 2023]. (State Grants to Local Boards of Health for the Improvement of Community Health Services).

SECTION 34. IC 16-46-10-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 0.5. As used in this chapter, "local board of health" means a board established under IC 16-20-2, IC 16-20-3, IC 16-20-4, or IC 16-22-8.**

SECTION 35. IC 16-46-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. (a) The local **public** health ~~maintenance~~ fund is established for the purpose of providing local boards of health with funds **as provided in sections 2.1 through 2.3 of this chapter** to provide public health services. The fund shall be administered by the state department and consists of:

- (1) appropriations by the general assembly; ~~and~~
- (2) penalties paid and deposited in the fund under IC 6-8-11-17; **and**
- (3) amounts, if any, that another statute requires to be distributed to the fund from the Indiana tobacco master



**settlement agreement fund.**

(b) The expenses of administering the fund shall be paid from money in the fund.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

(d) Money in the fund at the end of the state fiscal year ~~does not revert~~ **reverts** to the state general fund.

SECTION 36. IC 16-46-10-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 1.5. (a) Each local board of health shall establish a separate fund known as the local public health services fund to receive local board of health funding under this chapter.**

**(b) Money dispersed under this chapter may only be deposited in the local public health services fund established under this section.**

**(c) The fund may be used only for appropriating money and allocating expenditures for the purposes described in section 3 of this chapter.**

SECTION 37. IC 16-46-10-2 IS REPEALED [EFFECTIVE JULY 1, 2023]. See: 2: (a) Except as provided in subsections (b) and (d), the state department shall provide funding each year from the local health maintenance fund under the following schedule to each local board of health whose application for funding is approved by the state department:

COUNTY POPULATION	AMOUNT OF GRANT
over = 499,999	\$ 60,000
100,000 = 499,999	50,000
50,000 = 99,999	30,000
under = 50,000	20,000

(b) For purposes of determining the amount of a grant to a multiple county board of health, the state department shall regard each county of the multiple county health department as a separate county. A grant to a multiple county board of health must equal the total of grants that would be made to the separate counties based on the population of each county.

(c) A local board of health that desires to receive funding from the local health maintenance fund must file an application with the state department before May 1 of each year. The application must state how the funds will be spent. The state department may extend the deadline





for filing an application upon a showing of good cause by the local board of health:

(d) If a county has more than one (1) local health department, the county fiscal body shall adopt an ordinance to allocate the funds provided to the county under subsection (a). This ordinance must provide that each local board of health in the county must receive an allocation of funds granted under subsection (a). The county fiscal body shall file a copy of the ordinance with the state department before May 1 of each year.

(e) By June 1 of each year, the state department shall:

- (1) allocate money in the local health maintenance fund (for distribution the following January) to each local board of health whose application is approved in accordance with the schedule in subsection (a); and
- (2) determine how much money in the local health maintenance fund has not been applied for.

The state department may use the money that has not been applied for or otherwise allocated to fund joint plans entered into by two (2) or more local boards of health or by a multiple county board as provided in subsections (g) and (i).

(f) If two (2) or more local boards of health cooperate in providing any of the services set out in section 3 of this chapter, those boards of health shall file a joint plan that must be approved by the state department. The joint plan must specify the following:

- (1) The services to be provided under the plan;
- (2) The cost of each service to be provided under the plan;
- (3) The percentage of the total cost of services to be provided under the joint plan by each local board of health.

(g) If two (2) or more local boards of health join together to provide services in accordance with a joint plan filed with the state department of health under subsection (f); and the state department determines that the services to be provided under the joint plan are eligible for funding from the local health maintenance fund; the state department shall grant (in addition to the funds provided to each county in which the local boards of health are located under subsection (a)) an amount not to exceed fifteen thousand dollars (\$15,000) to fund the joint plan. The state department shall grant money to fund joint plans that most effectively accomplish the following goals in accordance with standards adopted by the state department:

- (1) Benefit the greatest number of people;
- (2) Provide services in a cost effective manner;
- (3) Address the most serious health care needs of the area served.



- (4) Provide additional public health services in a medically underserved or economically distressed area.

This money shall be allocated directly to each local board of health participating in the joint plan in the same percentages specified in the joint plan under subsection (f)(3):

(h) A multiple county health board may file a plan under this section to provide any of the services set out in section 3 of this chapter. If the state department determines that the services to be provided under the plan submitted by a multiple county health board are eligible for funding from the local health maintenance fund, the state department shall grant (in addition to the funds provided under subsection (a) to each county in which the local boards of health are located) an amount not to exceed fifteen thousand dollars (\$15,000) to fund the plan.

(i) Services funded under this section must be in addition to, and not in place of, services funded at the local level.

SECTION 38. IC 16-46-10-2.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 2.1. (a) The state department shall provide funding each year from the local public health fund to each local board of health in accordance with this chapter.**

**(b) If a county has more than one (1) local health department, the state department shall determine the county's share of funding and distribute the funds to the county.**

**(c) For purposes of determining the amount of funding in the case of a multiple county board of health, the state department shall regard each county as a separate county.**

**(d) A local board of health may only receive funding under section 2.2 or 2.3 of this chapter. Funding received under this chapter must be deposited in the local board of health's local public health services fund established under section 1.5 of this chapter.**

SECTION 39. IC 16-46-10-2.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2.2. (a) This section applies for purposes of funding beginning in the state fiscal year beginning July 1, 2023, and in each state fiscal year thereafter.**

**(b) For purposes of this section, "SVI" means the federal Centers for Disease Control and Prevention and the federal Agency for Toxic Substances and Disease Registry social vulnerability index.**

**(c) In order for a local board of health to be eligible to receive funding under this section, the following requirements must be met:**



(1) The county executive must apply to accept additional funding and to provide core public health services in the county for each funding cycle described in subsection (e).

(2) The county must provide a maintenance of effort each year according to the following:

(A) In the first year a local board of health receives funds under this section, the county shall distribute funds to the local board of health in an amount that equals the average amount of funds distributed to the local board of health by the county in the immediately preceding three (3) years.

(B) In each year after the first year a local board of health receives funds under this section, the county must provide an amount of funding equal to the amount determined in the last STEP of the following STEPS:

STEP ONE: Determine the amount of funding the local board of health is eligible to receive under subsection (d)(1)(A) for the year.

STEP TWO: Multiply the STEP ONE result by one and twenty-five hundredths (1.25).

STEP THREE: Subtract the STEP ONE result from the STEP TWO result.

(C) The local health funding provided by a county under clauses (A) and (B) may only consist of funds attributable to taxes and miscellaneous revenue that is deposited in the county health fund, and may not include fees collected by the local health department, federal funds, or private funds.

(3) The local board of health:

(A) shall ensure that the core public health services are provided in the county in accordance with the financial report required by subsection (f); and

(B) may employ:

(i) one (1) full-time public health nurse;

(ii) one (1) full-time school liaison; and

(iii) one (1) part-time preparedness employee.

(d) Subject to subsection (f), and subject to state appropriations, the amount of funding for which a local board of health is eligible under this section is the sum of the following:

(1) A base amount equal to the greater of:

(A) twenty-six dollars (\$26) per capita; or

(B) in the case of a county having a population:

(i) greater than fifteen thousand (15,000), a minimum of four hundred fifty thousand dollars (\$450,000);



(ii) greater than ten thousand (10,000), but less than fifteen thousand (15,000), a minimum of four hundred thousand dollars (\$400,000); and

(iii) less than ten thousand (10,000), a minimum of three hundred fifty thousand dollars (\$350,000).

(2) In the case of a county in the highest quartile SVI or an average county life expectancy of more than two (2) years less than the statewide average life expectancy, in addition to the amount under subdivision (1), an additional five dollars (\$5) per capita.

(3) In the case of a county in the second highest quartile SVI or an average county life expectancy that is one (1) year or two (2) years less than the statewide average life expectancy, in addition to the amount under subdivision (1), an additional three dollars (\$3) per capita.

(e) Funding is available under this section each year, subject to state appropriations. To be eligible, the county executive shall apply to accept additional funding each year and to provide core public health services. The budget committee shall review annual funding applications awarded by the department to each county prior to disbursement.

(f) Subject to section 3.5 of this chapter, each year that a local board of health wishes to receive funding under this section, the local board of health shall submit, not later than June 1, a financial report to the state department with a proposed spending plan and any additional information required by the state department. Subject to section 3.5 of this chapter, not later than June 1 of each year after the first year in which a local board of health receives funding under this section, the local board of health shall submit a financial report to the state department with an accounting of how funds were spent the previous year, a proposed spending plan for the upcoming year, and any additional information required by the state department. The financial report must be in a manner prescribed by the state department. The report shall be submitted to the state budget committee each year. State budget committee review must occur prior to the distribution of funding awards to counties provided under subsections (e) and (h).

(g) The county fiscal body shall work with the local board of health in the preparation and submission of a report required under subsection (f).

(h) For counties with a city health department established under IC 16-20-4-3, funding under this section shall be disbursed to the



county health department. In order for the city health department to receive a portion of the funds, the:

- (1) city fiscal body shall enter into an interlocal agreement, in a manner prescribed by the state department, with the county fiscal body; and
- (2) county health department and city health department shall submit a joint plan to the state department that demonstrates the core public health services that will be provided by each in serving the county.

The county fiscal body may adopt an ordinance to allocate the funds received under this section. The ordinance must provide that each local board of health in the county may receive an allocation of funds received under this section. The county fiscal body shall file a copy of the ordinance with the state department before May 1 of each year.

SECTION 40. IC 16-46-10-2.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 2.3. (a) This section applies:

- (1) for purposes of funding beginning in the state fiscal year beginning July 1, 2023, and in each state fiscal year thereafter; and
- (2) to a local board of health that does not receive funding under section 2.2 of this chapter.

(b) A local board of health receiving funding under this section shall, subject to state appropriations, receive an amount of state funds equal to the allocation of state funds the county received in state fiscal year 2023 from the state department through the local health maintenance fund (as it existed in state fiscal year 2023) and the Indiana local health department trust account (before its repeal). The state budget committee shall receive a report of annual funding amounts for each county under this section each year.

(c) Before the first year that a local board of health wishes to receive funding under this section, the local board of health shall submit, not later than June 1, a financial report to the state department with a proposed spending plan and any additional information required by the state department. Not later than June 1 of each year after the first year in which a local board of health receives funding under this section, the local board of health shall submit a financial report to the state department with an accounting of how funds were spent the previous year, a proposed spending plan for the upcoming year, and any additional



information required by the state department. The financial report must be in a manner prescribed by the state department. The state department may extend the deadline for filing a financial report under this subsection upon a showing of good cause by the local board of health. The report shall be submitted to the state budget committee each year.

SECTION 41. IC 16-46-10-2.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 2.4. Not later than January 1 of each year, the state department shall, subject to state appropriations:**

- (1) allocate money under sections 2.2 and 2.3 of this chapter to each eligible local public health fund; and**
- (2) determine the amount of money under sections 2.2 and 2.3 of this chapter that remains after all allocations have been completed under subdivision (1).**

SECTION 42. IC 16-46-10-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 2.5. Not later than November 1 of each year, the state department shall submit a report to the department of local government finance including all state funds approved for local health departments under this chapter in the previous year.**

SECTION 43. IC 16-46-10-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 3. (a) Funding provided a local board of health under section 2 ~~2.2~~ or 2.3 of this chapter may be used by the local board to provide any of the following services:**

- (1) ~~Animal and vector control.~~ Core public health services.**
- (2) ~~Communicable disease control, including immunizations.~~ Any statutorily required actions for a local health department.**
- (3) ~~Food sanitation.~~ Evidence based programs to prevent or reduce the prevalence of health issues or improve the health and behavioral health of Indiana residents as outlined in the plan described in IC 16-30-3-2.**
- (4) ~~Environmental health.~~**
- (5) ~~Health education.~~**
- (6) ~~Laboratory services.~~**
- (7) ~~Maternal and child health services, including prenatal clinics and well-child clinics.~~**
- (8) ~~Nutrition services.~~**
- (9) ~~Public health nursing, including home nursing visitation and vision and hearing screening.~~**



~~(10) Vital records:~~

(b) Money granted a local board of health from the local **public health maintenance** fund may not be used for any purpose other than for the services listed in this section.

**(c) A county may not use more than ten percent (10%) of the funds received under section 2.2 or 2.3 of this chapter during a fiscal year for capital expenditures, including:**

- (1) the purchase, construction, or renovation of buildings or other structures;**
- (2) land acquisition; and**
- (3) the purchase of vehicles and other transportation equipment.**

**(d) Funds used for capital expenditures under subsection (c) must be included on the annual financial report required under section 2.2(f) or 2.3(c) of this chapter and posted on the local health department's website.**

SECTION 44. IC 16-46-10-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 3.5. (a) If two (2) or more local boards of health cooperate in providing any of the services described in section 3 of this chapter, those local boards of health shall file a joint financial report as described in section 2.2(f) of this chapter that must be approved by the state department. The joint financial report must include the following:**

- (1) The services to be provided under the joint financial report.**
- (2) The cost of each service to be provided under the joint financial report.**
- (3) The percentage of the total cost of services to be provided under the joint financial report by each local board of health.**

**(b) The report shall be submitted to the state budget committee each year.**

SECTION 45. IC 16-46-10-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 4. (a) Except as provided in subsections (b) and (c), the services funded under this chapter shall be provided without cost to a recipient.**

**(b) If a recipient has insurance or any type of public indemnification that would in part pay for any services funded under this chapter, then the recipient shall assign the recipient's rights to that insurance or public indemnification to the local board of health. The insurer, upon notification from the local board of health, shall pay for those services covered under that recipient's insurance policy or public**



indemnification.

(c) The legislative body of the unit in which a local board of health has jurisdiction may adopt an ordinance that requires the local board of health to do either or both of the following:

(1) Charge individuals for services on a sliding fee schedule based on income that is adopted by the state board under rules adopted under IC 4-22-2.

(2) Charge corporations, partnerships, and other commercial concerns for services funded under this chapter.

(d) The fees for services collected under ~~subsection~~ **subsections (b) and (c)** shall be used only for public health purposes and shall be used in addition to, and not in place of, funds allocated for public health purposes before the ordinance described in subsection (c) became effective.

SECTION 46. IC 16-46-10-6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 6. To remain eligible for funding under this chapter, a local board of health must maintain compliance with the financial report submitted under section 2.2 or 2.3 of this chapter, as applicable, and any other reporting requirements under this title. If the state department determines there are reasonable grounds to believe that a local board of health is not complying with:**

- (1) the local board of health's financial report;**
- (2) statutory directives; or**
- (3) rules adopted by the state department;**

**the state department shall provide written notice of noncompliance to the local board of health, county executive, county fiscal body, and local health department administrator. The local board of health shall have at least thirty (30) days to demonstrate compliance or provide a plan for compliance that is approved by the state department. If, after thirty (30) days, the local board of health has not demonstrated compliance or provided a plan for compliance, the state department may suspend funding under this chapter for the local board of health until compliance is achieved, as determined by the state department. The department shall report to the state budget committee each local board's funding that is suspended under this section within thirty (30) days of the suspension."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.





(Reference is to SB 4 as printed February 3, 2023.)

MISHLER, Chairperson

Committee Vote: Yeas 14, Nays 0.

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SENATE MOTION

Madam President: I move that Senate Bill 4 be amended to read as follows:

Page 28, line 5, after "(1)" insert "**modified clinical technique; (2)**".

Page 28, line 6, delete "(2)" and insert "(3)".

Page 28, line 8, delete "(3)" and insert "(4)".

Page 28, line 10, delete "and (2)." and insert "**through (3)**".

(Reference is to SB 4 as printed February 17, 2023.)

CHARBONNEAU

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SENATE MOTION

Madam President: I move that Senate Bill 4 be amended to read as follows:

Page 23, line 8, delete "In order for the city health department" and insert "**The county fiscal body and the city fiscal body shall, in good faith, enter into an interlocal agreement, in a manner prescribed by the state department, to determine the amount of funding to be disbursed to the city health department. The county health department and the city health department shall submit a joint plan to the state department that demonstrates the core public health services that will be provided by each in serving the county.**".

Page 23, delete lines 9 through 16.

Page 23, line 17, delete "The county", begin a new paragraph and insert:

"(i) **The county**".

Page 23, between lines 22 and 23, begin a new paragraph and insert:

"(j) **For counties that have an existing health department**

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cooperative that was formed by an interlocal cooperative agreement before December 31, 2022, and as authorized by IC 36-1-7, funding under this section shall be disbursed to the health department cooperative. The health department cooperative shall follow the same rules and guidelines that are required by the local board of health under this section."

(Reference is to SB 4 as printed February 17, 2023.)

CHARBONNEAU

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SENATE MOTION

Madam President: I move that Senate Bill 4 be amended to read as follows:

Page 7, between lines 41 and 42, begin a new paragraph and insert:

**"(g) A county that accepts additional funding to provide core public health services does not transfer any authority under statute in operating the local health department to the state department in return for the additional funding."**

(Reference is to SB 4 as printed February 17, 2023.)

ROGERS

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SENATE MOTION

Madam President: I move that Senate Bill 4 be amended to read as follows:

Page 15, line 16, delete "commission" and insert **"commission, taking into consideration geographic representation,"**.

Page 15, line 32, delete "uder" and insert **"under"**.

Page 15, line 34, delete "." and insert **"who is a surgeon and licensed under IC 25-22.5."**

Page 15, line 39, delete "a".

Page 15, line 39, delete "center" and insert **"centers that are not Level 1 trauma centers"**.

Page 15, line 40, delete "at least one (1) of the following:" and insert **"surgeons and licensed under IC 25-22.5."**

Page 15, delete lines 41 through 42.

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Page 16, delete lines 1 through 3.

(Reference is to SB 4 as printed February 17, 2023.)

JOHNSON T

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SENATE MOTION

Madam President: I move that Senate Bill 4 be amended to read as follows:

Page 6, line 38, after ";" insert "**or**".

Page 6, delete lines 39 through 42.

Page 7, line 1, delete "(4)" and insert "**(2)**".

Page 7, line 7, delete "shall:" and insert "**shall complete a public health foundation training course developed and approved by the state department.**".

Page 7, delete lines 8 through 11.

Page 11, line 12, delete "physician, advanced practice registered nurse," and insert "**physician,**".

Page 11, line 13, delete "or physician assistant,".

Page 11, line 14, delete "IC 16-20-1-9.5(a)(4)," and insert "**IC 16-20-1-9.5(a)(2),**".

Page 13, line 14, delete "physician, advanced practice registered" and insert "**physician,**".

Page 13, line 15, delete "nurse, or physician assistant,".

Page 13, line 16, delete "IC 16-20-1-9.5(a)(4)," and insert "**IC 16-20-1-9.5(a)(2),**".

Page 14, line 35, delete "physician, advanced practice registered nurse," and insert "**physician,**".

Page 14, line 36, delete "or physician assistant,".

Page 14, line 37, delete "IC 16-20-1-9.5(a)(4)," and insert "**IC 16-20-1-9.5(a)(2),**".

Page 16, line 9, delete "remainder" and insert "**remainder**".

(Reference is to SB 4 as printed February 17, 2023.)

JOHNSON T

